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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ADAN JOE NIETO,

11 Petitioner,

12 v.

13 ELDON VAIL,

14 Respondent .  
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Case No. C09-5250 RBL/KLS

ORDER DENYING  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*

16 The Court, having reviewed the Report and Recommendation, Petitioner's application to proceed  
17 *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- 18 (1) the Magistrate Judge's Report and Recommendation is approved and adopted;  
19 (2) Petitioner's application to proceed *in forma pauperis* is **DENIED**; and  
20 (3) the Clerk is directed to send directed to send copies of this Order to Petitioner.  
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22 DATED this 9<sup>th</sup> day of June, 2009.  
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25 RONALD B. LEIGHTON  
26 UNITED STATES DISTRICT JUDGE  
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